

**NATIONAL  
INDIAN  
GAMING  
COMMISSION**

DEC 21 1994

Mr. Wilson Crutcher  
Fort McDermitt Paiute-Shoshone Indian Tribe  
P.O. Box 457  
McDermitt, Nevada 89421

Dear Mr. Crutcher:

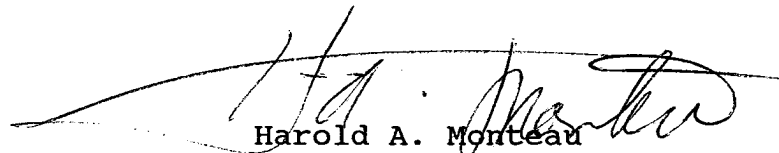
This letter responds to your request to review and approve the tribal gaming ordinance adopted by Resolution No. FM94-009-073 by the Fort McDermitt Paiute-Shoshone Indian Tribe (the Tribe) on September 29, 1994. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in tribal ordinance are not subject to review and approval. Such approval does not constitute approval of specific games. Also, the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Tribe's gaming ordinance, the Tribe is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. § 556.5(b).

Thank you for submitting the ordinance of the Fort McDermitt Paiute-Shoshone Indian Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

  
Harold A. Monteau  
Chairman

# *Fort McDermitt* **PAIUTE-SHOSHONE TRIBE**

Post Office Box 457  
McDermitt, Nevada 89421 Phone (702) 532-8259

## **RESOLUTION NO. FM94-009-073**

**CONCERNING:** Acceptance of Tribal Gaming Ordinance authorizing the Tribe to pursue gaming related economic development and administrative control within the Fort McDermitt Indian Reservation.

### **RESOLUTION OF THE GOVERNING BODY OF THE FORT MCDERMITT PAIUTE-SHOSHONE TRIBE OF OREGON AND NEVADA**

**WHEREAS,** The Fort McDermitt Paiute-Shoshone Tribe organized in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Statute 981), as amended by the Act of June 15, 1936, a Constitution and By-Laws were adopted and such Constitution and By-Laws were later approved by the Secretary of the Interior in July 2, 1936; and,

**WHEREAS,** the Governing Body of the Fort McDermitt Tribe is the Tribal Council, as set forth in the Constitution, Article III, Section I; and,

**WHEREAS,** the Fort McDermitt Tribal Council is mandated by its Constitution to promote the Health and Welfare of the Paiute-Shoshone People in the Community; and,

**WHEREAS,** an ordinance authorizing the Tribe to develop, conduct, and regulate gaming activity within the Fort McDermitt Indian Reservation will benefit all Tribal members; now,

**THEREFORE BE IT RESOLVED,** that the Fort McDermitt Tribal Council Chairman or the Tribal Vice-Chairman, is authorized to review and submit a Tribal Gaming Ordinance to the National Indian Gaming Association.

### **CERTIFICATION**

It is hereby certified that the forgoing Resolution No. FM94-009-073 of the Fort McDermitt Paiute-Shoshone Tribal Council of the Fort McDermitt Paiute-Shoshone Tribe, composed of eight (8) members of whom SIX (6) constituting a quorum were present at a meeting duly held on the 29TH day of SEPTEMBER 1994, was adopted by the affirmative vote of : FIVE (5) FOR, ZERO (0) AGAINST, ZERO (0) ABSTAINING; pursuant to the authority contained in the Constitution and By-Laws of the Fort McDermitt Paiute-Shoshone Tribe.

*Marcella Abel*

Marcella Abel, Secretary  
Ft. McDermitt Tribal Council  
Ft. McDermitt Paiute-Shoshone Tribe

*September 29, 1994*

Approval Date:

**FORT McDERMITT PAIUTE-SHOSHONE INDIAN TRIBE**  
**GAMING ORDINANCE**

**Section 1. Title.**

This Ordinance shall be known as the Fort McDermitt Paiute-Shoshone Indian Tribe of Oregon and Nevada Gaming Ordinance.

**Section 2. Findings.**

The Tribal Council of the Fort McDermitt Paiute-Shoshone Indian Tribe, finds that:

- A. The Fort McDermitt Paiute-Shoshone Indian Tribe has the exclusive authority to regulate Class II gaming activities on the Indian lands as defined at the 25 U.S.C. § 2703 (4) (b) within the States of Oregon and Nevada; and
- B. The Fort McDermitt Paiute-Shoshone Indian Tribe is authorized to operate, license and regulate Class III gaming on Indian Lands, as defined at the 25 U.S.C. § 2703 (4) (b), provided it has entered into, and operates Class III gaming consistent with a compact entered into between the Tribe and the state where said gaming is or will be operated; and
- C. It is essential to the health, safety and the general welfare of the Fort McDermitt Paiute-Shoshone Indian Tribe and the visitors to the Fort McDermitt Paiute-Shoshone Reservation that standards and regulations be promulgated to govern the conduct of gaming activities on Fort McDermitt Paiute-Shoshone Indian Lands.

**Section 3. Purposes**

The purposes of this Gaming Ordinance are to:

- A. Provide standards and regulations governing the conduct of gaming activities on Fort McDermitt Paiute-Shoshone lands;
- B. Promote tribal economic development;

940923-00015

- C. Enhance employment opportunities for tribal members;
- D. Strengthen the economy of the Fort McDermitt Paiute-Shoshone Indian Tribe; and
- E. Generate revenue for the use in improving the health, education and general welfare of enrolled members of the Fort McDermitt Paiute-Shoshone Indian Tribe.

## **I. General Provisions**

### **Section 4. Definitions.**

1. "Act" or "I.G.R.A" means the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq.
2. "Bingo" means the game of chance (whether or not electronic, computer or other technological aids are used in connection therewith) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations when objects, similarly numbered or designated, are drawn or electronically determined; and in which the game is won by the first person covering a designated arrangement or pattern of numbers or designations such cards. "Bingo" includes, if played at the same location, pull tabs, lotto, punch boards, tip jars, instant bingo and other games similar to bingo.
3. "Class I Gaming" means social games played solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.
4. "Class II Gaming" means all forms of gaming which are defined as "Class II Gaming" in the Indian Gaming Indian Regulatory Act, P.L. 100-4977 (1988), codified at the U.S.C § 2701-2721, and shall include, but not be limited to, the following forms of gaming: bingo, lotto, pull tabs, punch boards, instant bingo, tip jars and non-banking card games, when played in conformity with 25 U.S.C. § 2703 (7).
5. "Class III Gaming" means all forms of gaming that are not Class I Gaming or Class II Gaming, as defined in the Indian Gaming Regulatory Act, Pub. L. No. 100-497 (1988), codified at 25 U.S.C. § 2701-2721.
6. " Compact " means the Compact or Compacts by and between the Fort McDermitt Paiute-Shoshone Indian Tribe and the States of

Oregon and/or Nevada, as applicable, setting forth an agreement for operation of Class II and/or Class III gaming on Fort McDermitt Paiute-Shoshone Indian Lands within the States of Oregon and Nevada respectively.

7. "Entity" means any organization, including any division, department or other unit therein, and includes, but shall not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, commission, bureau, department or governmental agency except that entity shall not include the Fort McDermitt Paiute-Shoshone Indian Tribe.
8. "Equipment" means any article, device or other item, employed in gaming activities, including but not limited to Bingo cards, lottery tickets, any electronically operated blower machine, computer, electronic selection machine, gambling machines, gaming tables, associated paraphernalia, chips, tokens, dice and any other items employed in gaming activity.
9. "Gaming Commission" means the Tribal Gaming Commission or state Gaming Commission as applicable in accordance with the Compact.
10. "Gambling Machine" or "slot machine" means a mechanical, electrical, electronic or other gambling device or machine that upon, insertion of a coin, currency, token, credit card or other similar objects, or redemption of a credit or upon payment of any valuable consideration, is available to play or operate, play or operation of which, whether by reason of skill or chance or both may deliver or entitle the player to receive a prize whether the payoff is made automatically from the machine or in another manner. The term does not include pinball machines.
11. "Gross Receipts" means the total receipts from the conduct of gaming activities.
12. "Indian Lands" or "Fort McDermitt Paiute-Shoshone Indian Lands" means all lands within the limits of the Fort McDermitt Indian Reservation; or any lands title to which is either held in trust by the Fort McDermitt Paiute-Shoshone Indian Tribe or individual Fort McDermitt Paiute-Shoshone Tribal Member subject to restriction by the United States against alienation, and over which the Fort McDermitt Paiute-Shoshone Indian Tribe exercises governmental power.

13. "Key Employee" is defined as in 25 C.F.R. § 502.14.
14. "Lottery" means any scheme for the disposal or distribution or property, by chance, among the persons who have paid or given any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share or any interest in such property upon any agreement, understanding or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle or gift enterprise, or by whatever name the same may be known.
15. "Net Revenues" means gross gaming revenues of the Tribe's gaming operation less (i) amounts paid out as, or paid for, prizes and (ii) total gaming-related operating expenses, excluding management fees.
16. "Non banking card games" means any card game in which two or more players play against each other and the players do not wager against the house. Non-banking card games played in conformity with state law regulating hours of play, wage and pot limits is Class II Gaming. All other non-banking card games are Class III games.
17. "Persons" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual cooperative, fraternal or nonprofit, doing business within the Indian lands. The Tribe is not within the definition of person.
18. "Pinball Machine" means a video, mechanical, electrical or electronic machine which upon insertion of a coin or token or upon redemption of a credit, is available for play, the play or operation of which, by reason of skill, chance or combination of both, may entitle a player to an automatic, immediate free replay or replays, which cannot be redeemed for anything of value.
19. "Player" means any person participating in gaming activity, who is participating with the reasonable expectation of, or for the chance of, receiving a prize of some value.
20. "Primary Management Officials" is defined as in 25 C.F.R. § 502.19.
21. "Prize" means any U.S. currency, cash or other property or thing of value awarded to a player or players, or received by

a player or players as a result of their participation in a gaming activity.

22. "Secretary" means the Secretary of the Interior.
23. "State" means the States of Oregon or Nevada, as applicable.
24. "State Gaming Commission" means the Gaming Commission or agency of the state in which the lands upon which gaming is being or will be conducted.
25. "Tribal Council" means the Tribal Council of the Fort McDermitt Paiute-Shoshone Indian Tribe of Oregon and Nevada.
26. "Tribal Court" means the Fort McDermitt Paiute-Shoshone Tribal Court.
27. "Tribal gaming facility" or "Gaming Facility" means any location where Class II or Class III gaming is conducted.
28. "Tribal gaming operation" means any Class II or Class III gaming operation conducted on Fort McDermitt Paiute-Shoshone Indian Lands.
29. "Tribe" means the Fort McDermitt Paiute-Shoshone Indian Tribe within the States of Oregon and Nevada, recognized by the Secretary of the Interior, and having special rights of self government, its agencies and officials.

Section 5.        **Gaming Authorized and Regulated.**

- A. Class I Gaming is authorized on Indian Lands, and may be conducted by any person. Class I gaming shall not be regulated by this ordinance.
- B. Class II Gaming and Class III Gaming are authorized on Indian Lands. Class II Gaming and Class III Gaming shall be regulated by the Gaming Commission and shall only be operated consistent with the provisions of this Ordinance and 25 U.S.C. § 2710.

Section 6.        **Use of Revenues from Class II and Class III Gaming Activities.**

- A. Tribal Revenues from Class II and Class III gaming activities shall be used only to:
  1. fund tribal government operations or programs;

2. provide for the general welfare of the Community or Community members;
3. promote economic development within the Fort McDermitt Paiute-Shoshone Indian Tribe Indian Reservation;
4. fund operations of local tribal government agencies; and/or
5. donate to charitable organizations.

Section 7.      **Gaming Facilities.**

- A. To ensure that the environment and the public safety and welfare are adequately protected, each gaming facility shall be constructed and maintained in compliance with applicable tribal, state and federal laws, including but not limited to fire codes, safety codes and building codes.
- B. Each gaming facility shall be subject to inspection to insure compliance, annually or on such basis as the Tribal Building inspector, or if none, Tribal Council, determines necessary and appropriate and be subject to such other inspection as may be required by the compact.

Section 8.      **Minors, Employees Prohibited.**

1. No person under the age of 21 years shall be permitted to play any of the Class II or Class III games.
2. No person who is employed at a Class II or Class III gaming facility may play any game conducted therein while on duty.

Section 9.      **Prizes: Assignment and Forfeiture.**

- A. Not Assignable, exception.

The right of any person to a prize shall not be assignable except that payment of any prize may be made to the estate of a deceased prize winner or to a person pursuant to an order of the Tribal Court.

- B. Forfeiture.

1. Any unclaimed prize of a Class II or Class III gaming



activity shall be retained by the owner of the gaming activity or enterprise for ninety days after the prize is available to be claimed. Any person who fails to claim a prize during such a time shall forfeit all rights to the prize, and the amount of the prize shall be awarded to the Tribe.

2. Any prize won by a person under the age of twenty-one (21) shall be forfeited as a violation of Section 8 of this Ordinance. Any such prize shall be awarded to the Tribe, and the approximate consideration paid by the minor shall be refunded to the minor.

## II. Administration

### Section 10. Tribal Gaming Commission.

#### A. Establishment and Composition.

1. There is hereby created the Tribal Gaming Commission.
2. The Tribal Gaming Commission Shall be comprised of a gaming Commissioner and four (4) members.

#### B. Qualifications and Appointments.

1. The Gaming Commissioner shall be appointed by the Tribal Council, and shall possess and demonstrate as minimum qualifications:
  - a. Knowledge and experience in the commercial gaming industry;
  - b. Familiarity with the Act;
  - c. Experience in and knowledge of administration and administrative procedure.

2. The members shall be appointed by the Tribal Council, Not less than two (2) members shall be from among Tribal membership.
3. Appointments of the Commissioner and members shall be for a term of four (4) years, except that of the initial members one shall be appointed for a term of one year, one for two (2) years, one for three (3) years and one for four (4) years which will result in staggered appointment and provide continuity within the Commission. The Commissioner and all members may be re-appointed for one or more successive terms.
4. No person shall be appointed to the Tribal Gaming Commission unless the Tribal Council is satisfied that:
  - a. He or she is a person of good character, honesty and integrity, whose prior activities, criminal record, if any, reputation, habits and associations do not pose a threat to the public interest of the Tribe, its members or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto; and
  - b. He or she has no interest in any private gaming activity on Fort McDermitt Paiute-Shoshone Indian lands or any activity which may have interests in conflict with the Tribal gaming operations.
5. The commissioner and members may be removed for good cause, after written notice and opportunity to be heard by the Tribal Council. Good cause, shall exist when any condition occurs or is discovered which would exclude a person from appointment.

C. Duties and Powers.

The Tribal Gaming Commission shall administer the provisions of this Ordinance and shall have all powers necessary therefore. In exercise of its duties, the Tribal Gaming Commission shall, insofar as is consistent with the Compact.

1. Promulgate such rules and regulations as may be necessary and desirable for the proper implementation and enforcement of this Ordinance;
2. Identify and define the rules of play for each Class II and Class III game permitted;
3. License, supervise, inspect and oversee all gaming activities and persons employed in gaming activities conducted on Indian Lands;
4. Conduct background investigations of key employee and Primary Management Official license applicants;
5. Carry on a continuous study and investigation of Class II and Class III gaming on Indian Lands for the purpose of:
  - a. Ascertaining defects in or abuses of the standards and regulations in this Ordinance or applicable rules and regulations;
  - b. Formulating recommendations for changes in the standards and regulations in this Ordinance and any and all applicable rules and regulations;
  - c. Preventing abuses and evasions of the standards and regulations prescribed by this Ordinance and applicable rules.
6. Report to the Tribal Council on any matters related to gaming which are deemed by the gaming Commission to constitute an emergency requiring immediate action;
7. Take any action it deems necessary and appropriate to implement and enforce this Ordinance, applicable rules and/or regulations, and/or to prevent or remedy violations thereof including but not limited to license suspension, revocation, prosecution, referral for prosecution, civil suit, issuance of subpoenas and imposition of administrative fines.
8. Employ such employees as are necessary to carry out the specific and general powers and duties of the Tribal Gaming Commission.
9. Prescribe by rule and regulation the procedures for

resolving disputes between the gaming public and a gaming operation.

D. Compensation.

The Commissioner, members, and employees of the Tribal Gaming commission shall be reasonably compensated, as determined by the Tribal Council. The compensation shall be paid from the Tribe's income from gaming activities.

E. Judicial Review of Tribal Gaming Commission Final Action.

1. A final action of the Tribal Gaming Commission shall be deemed a final administrative action subject to review under the standard of review established in 5 U.S.C. § 706. The final administrative action shall be reviewable under the exclusive jurisdiction of the Fort McDermitt Paiute-Shoshone Tribal Court, which is hereby granted jurisdiction to hear such appeals.
2. Appeal to the Tribal Court of final Tribal Gaming Commission action pursuant to this paragraph (e) shall be commenced no later than thirty (30) days subsequent to reasonable notice to the aggrieved person of the final action and shall proceed pursuant to the procedural rules of the Tribal Court and/or as otherwise expressly provided in this Ordinance.
3. Judicial review of final Tribal Gaming Commission action shall be limited to and proceed on the administrative record. Within twenty (20) days after commencement of the Tribal Court action and tender of payment by the aggrieved person to the Tribal Gaming Commission of the costs of preparing a certified transcript, or within such other time as the Tribal Court may order and said the tender of payment, the Tribal Gaming Commission shall prepare and transmit to the Tribal Court a certified transcript of the administrative record.
4. The burden of demonstrating the invalidity of final Tribal Gaming Commission action shall be on the person asserting invalidity.
5. In the event of a conflict between the provisions of this paragraph (E) and the Fort McDermitt Paiute-Shoshone Administrative Procedures Ordinance, the Administrative Procedures Ordinance shall control.

Section 11.      Licensing.

## A.    Authority to License.

1.    Designation of the authority to license and regulate Class II and/or Class III gaming shall be pursuant to federal law, tribal law and the applicable Compact.
2.    Class I gaming shall not be regulated by this gaming Ordinance and no licensing shall be required for Class I gaming.

## B. Types of Licenses to be Issued.

The Tribal Gaming Commission shall issue the following licenses for gaming on the Fort McDermitt Paiute-Shoshone Indian Lands subject to its authority to license and regulate:

1.    Manager License
2.    Class II Owner License
3.    Operator License
4.    Contractor License
5.    Primary Management Official License
6.    Key Employee License
7.    General Employee License
8.    Class II Facility License
9.    Class III Facility License
10.   Manufacturer's and Distributor's License
11.   Vendor's License
12.   Other Licenses necessary and appropriate

Section 12.      License Fees: Application Fees and Continuing Yearly Fees.

- A.    Any person making application for a tribal gaming license pursuant to this Ordinance shall submit his or her

application, and required forms and information, as set forth by the Tribal Gaming Commission, pursuant to this Ordinance, together with an application fee as follows:

1. Class II License Fees:

- a. Manager License- \$500.00
- b. Owner License- \$1,500.00
- c. Operator License- \$1,000.00
- d. Contractor License- \$2,500.00
- e. Primary Management Official License- \$1,500.00
- f. Key Employee License- \$1,500.00
- g. General Employee License- \$15.00
- h. Facility License- \$100.00

2. Class III License fees:

- a. Manager License- \$1,500.00
- b. Contractor License- \$7,500.00
- c. Primary Management Official License- \$4,500.00
- d. Key Employee License- \$4,500.00
- e. General Employee License- \$45.00

3. General License Fees:

- a. Manufacturer and Distributor's License- \$6,000.00
- b. Vendor's License- \$3,000.00

The Tribal Gaming Commission may waive fees at its discretion if an applicant is unable to pay fees.

- B. A licensee shall, at least sixty (60) days prior to the expiration of the license, make application for renewal

with the Tribal Gaming Commission, and shall submit the application and required forms and information together with a renewal fee equivalent to 75% of the applicable license fee.

Section 13. License Validity: Effective Period and Place.

A. Period.

Tribal gaming licenses shall be valid and effective for a period of one year from the date of issue, unless same is sooner suspended or revoked for cause after notice and hearing, pursuant to this Ordinance. The effective date and period shall be stated on the face of the License.

B. Place.

1. A tribal gaming license shall be valid for one (1) facility or location only, and the location shall be identified on the face of the license.
2. If a person or entity desires to be employed with, or operate, more than one gaming location, a separate gaming license must be obtained for each separate facility or location.

C. Facility License. A separate tribal gaming license shall be issued to each place, facility or location on Indian lands where gaming is allowed in accordance with this Ordinance.

Section 14. License: Qualifications and Requirements.

A. General.

1. An application to receive a tribal gaming license or to be found suitable to receive a tribal gaming license shall not be granted unless the Tribal Gaming Commission is satisfied, after review of a background investigation that such applicant is:
  - a. A person of good character, honesty and integrity;
  - b. A person whose prior activities, criminal record, if any, reputation, habits and associations do not pose a threat to the public interest of the Tribe, its members or

to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto; and

- c. In all other respects is qualified to be licensed or found suitable consistent with the declared policy of the Fort McDermitt Paiute-Shoshone Indian Tribe.
- d. An application to receive a tribal gaming license or to be found suitable constitutes a request for a determination of the applicant's general character, integrity and ability to participate or engage in, or be associated with gaming. Any written or oral statement made in the course of an official proceedings of the Tribal Gaming Commission or the National Indian Gaming Commission established pursuant to 25 U.S.C. § 2704, by any member thereof or any witness testifying under oath which is relevant to the purpose of the proceeding is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

B. Primary Management Officials, Key and Other Employees; Requirements.

- 1. No person shall be licensed by the Tribal Gaming Commission for employment by a gaming enterprise operated on the Fort McDermitt Paiute-Shoshone Indian lands who:
  - a. Has been convicted of or who has pled guilty or nolo contendere to any felony, gaming offense, or other offense involving moral turpitude (except that misdemeanors committed before such person's 21st birthday shall not act to bar his/her employment); or
  - b. Is under the age of 21, except that, no person shall be licensed by the Tribal Gaming Commission for employment as a primary Management Official or Key Employee who is under the age of 21.



2. No person shall be employed as a Primary Management Official or Key Employee in a Class II or Class III gaming activity who:
    - a. Has not first applied for and obtained a gaming license or state gaming license, as is applicable, pursuant to this Ordinance.
    - b. Is ineligible for fidelity bonding or similar insurance covering employee dishonesty
  3. Every person employed at a gaming facility operated on Fort McDermitt Paiute-Shoshone Indian lands shall wear an identification badge which conspicuously states the place of employment, the full name and photograph of the person and their position of employment.
- c. Primary Management Officials and Key employees; License application, notices.
1. The Tribal Gaming Commission shall require that Primary Management Officials and Key employees make application for tribal gaming license on a form specified by the Tribal Gaming Commission, unless the applicable Compact allocates sole jurisdiction to the relevant State with respect to background investigations.
  2. The application form shall include the following notices:
    - a. Privacy notice:

In compliance with the privacy Act of 1974, the following information is provided:  
Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by the National Indian Gaming Commission members and staff who have need for the information in the Performance of their official duties. The information may be disclosed to appropriate federal, tribal, State, local or foreign law enforcement and regulatory agencies when relevant, to civil, criminal or regulatory investigations or prosecutions or when

pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in primary management official or key employee position.

The disclosure of your Social Security number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

b. Notice Regarding False Statements.

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin to work. Also, you may be punished by fine or imprisonment (U.S.Code, Title 18, section 1001) .

3. a. All applicants to the Tribal Gaming Commission shall be required to sign an acknowledgement of receipt and reading of the Privacy Notice and Notice Regarding false statements, which shall be placed on the same page immediately following the Notice.
- b. The Tribal Gaming Commission shall notify in writing existing Key Employees and Primary Management Official subject to tribal licensure that they shall either:
  1. Complete a new application form that contains a Privacy Act notice and a Notice Regarding False Statements; or
  2. Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice and a statement that contains the Notice Regarding False Statements.
4. The tribal gaming license application shall at

minimum require the following information:

- (1) Full name, other names used ( oral or written), social security numbers (s), birth date, place of birth, citizen ship, gender, all languages (spoken or written);
- (2) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- (3) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (a) (2) of this section;
- (4) Current Business and residence telephone numbers;
- (5) A description of any existing and previous business relationships with Indian Tribes, including ownership interests in those businesses;
- (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (7) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (8) For each felony for which there is an ongoing prosecution or conviction, the charge, the name and address of the court involved, and the date of the disposition if any;
- (9) For each misdemeanor conviction or ongoing misdemeanor (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved, and the date and the

disposition;

- (10) For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to the paragraph (a) (8) or (a) (9) of this section, the criminal charge, the name of the court involved, and the date and disposition;
- (11) The name of the address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (12) A photograph;
- (13) Fingerprints consistent with procedures adopted by the Tribal police or the Tribal Gaming Commission consistent with 25 C.F.R. § 522.2 (h). Fingerprints shall be taken by the BIA police, or the State police of the State in which applicant resides, and shall be sent directly to the National Indian Gaming Commission by the law enforcement agency taking fingerprints; and
- (14) Any other information the Tribal Gaming Commission deems relevant.

D. Primary Management Officials and Key Employees;  
Background Investigation; Report.

- 1. The Tribal Gaming Commission shall conduct, or cause to be conducted, by an investigator appointed by it, a background investigation for each Primary Management Official and Key Employee, unless the applicable Compact allocates sole jurisdiction to the relevant State with respect to background investigations. The investigation shall include, minimum:
  - a. Verification of all information on the application;
  - b. Interviews of current and prior employers and immediate supervisors for the preceding five

- (5) years;
  - c. Interviews of all personal references;
  - d. Obtaining a criminal history record; and
  - e. An interview with the applicant.
2. The investigator shall be required to make written report to the Tribal Gaming Commission of the investigation, including therein the steps taken in conducting the investigation, the names, addresses and relationship to the applicant of all persons interviewed, the information obtained from persons interviewed regarding the applicant's reputation, habits and associations and the apparent candidness (or lack thereof) of the persons, and any other information garnered or learned about the applicant and the source of the information, and shall particularly identify all potential problem areas and sources of the information.
  3. The Tribal Gaming Commission shall review the report and any additional information known to it and make a determination of whether the applicant is eligible, meets the requirements for employment and is suitable or poses a threat to the public interest or to the effective regulation of gaming or creates or enhances the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming, particularly identifying all potential problem areas and disqualifying information.
  4. The Tribal Gaming Commission shall create a report, that at minimum identifies and describes the steps taken in conducting the investigation, the results obtained, the conclusions reached and the basis for these conclusions.
  5. The Tribal Commission shall not issue a license to any applicant who is not eligible and/or does not meet the requirements for employment as a Primary Management Official or Key Employee.
  6. Following its determination and prior to issuance of a license to an applicant determined to meet the requirements, the Tribal Gaming Commission shall forward to the National Indian Gaming Commission

the investigative report and a copy of the eligibility determination. The Tribal Gaming Commission may forward the Investigative report and a copy of the eligibility determination of applicants denied licensure, and shall notify the National Indian Gaming Commission of its decision not to license an applicant.

Section 15. License Suspension and Revocation.

A. Suspension and Revocation.

1. Any license issued by the Tribal Gaming Commission shall be suspended, without prior notice, if the National Indian Gaming Commission, after notification by the Tribal Gaming Commission of the issuance of a license, and after appropriate review, indicates that a Primary Management Official or Key Employee does not meet the standards established and set forth herein, pursuant to 25 U.S.C. §. 2710, and after notice and hearing may revoke such license.
2. The Tribal Gaming Commission shall immediately suspend, and after notice and hearing, revoke the license of any Primary Management Official or Key Employee of a Class II or Class III gaming activity or entity who is or becomes ineligible to hold a license under this Ordinance or who violates any provision of this Ordinance or of 25 U.S.C. §.1166, 1167, 1168 or 2701 or of 18 U.S.C. §. 1163.

B. Revocation Notice.

1. The Tribal Gaming Commission shall promptly notify in writing any tribal licensee whose license has been or will be revoked and shall include in said notice:
  - a. The effective date of the revocation;
  - b. The reason(s) for the revocation;
  - c. The right of the licensee to appeal the revocation to the Tribal Court within ten (10) days of the licensee's receipt of the revocation notice.

2. A copy of the revocation notice shall be sent to the National Indian Gaming Commission.

C. Revocation Hearing.

1. A tribal licensee may appeal the revocation of his/her license to the Tribal Court by sending a written notice of appeal of the revocation to the Tribal Court and the Tribal Gaming Commission no later than 10 days after the licensee receives notice that his/her license has been revoked. The notice of appeal shall clearly state the reason(s) why the licensee believes his/her license should not be revoked.
2. Upon receipt of the notice of appeal of the license revocation, the Tribal Court shall schedule a revocation hearing to be conducted within twenty (20) days of receipt of the notice of appeal. Written notice of the time, date and place of the hearing shall be delivered to the licensee no later than five days before the scheduled date of the hearing.
3. The licensee and the Tribal Gaming Commission may be represented by legal Council at the revocation hearing. The licensee and the Tribal Gaming Commission may present witnesses and evidence in support of their respective positions and may examine witnesses and evidence presented by the opposing side.
4. The Tribal Court shall issue its decision no later than ten (10) business days following the revocation hearing. The decision of the Tribal Court shall be final and conclusive, and no appeal to a higher court shall be allowed, except that a claim of appeal based upon discrimination may be made to the Fort McDermitt Paiute-Shoshone Tribal Appeals Court.
5. A copy of the Tribal Court's decision regarding the revocation of a license shall be sent to the Tribal Gaming Commission and National Indian Gaming Commission.

D. Application for Relicensing.

No person or entity whose Class II or Class III tribal gaming license has been revoked shall be eligible for a new license

until 12 months after the effective date of the revocation.

III. Class II Gaming

Section 16. Definitions.

1. "Bingo" means bingo as defined in Section 3 of this Ordinance.
2. "Bingo Occasion" means a single session or gathering at which a series of successive bingo games are played.
3. "Card games" means non-blinking card games played in conformity with California, Arizona or Nevada state law, as applicable, regulating hours, wagers and plot limitations.
4. "Game Card" and Bingo game card" means a regular or special Bingo Card
5. Lotto" means a game of chance with cards bearing numbers or other designations, in rows of 9, in which the player holding the card covers such numbers or designations when objects similarly numbered or designated are drawn or otherwise randomly determined, in which the game is won by the first player to cover a predesignated arrangement on the card.
6. "Pull Tabs" means a game of chance in which players purchase a card containing predetermined numbers, colors, symbols or other designations such when revealed may result in the award of a prize on the basis of a designated winning number, color, symbol or other designation or combination thereof, whether or not electronic, computer, or other technological aids, to the extent permitted by law, are used in connection therewith.
7. "Punch Board" means a small board that has many holes, each filled with a rolled up printed slip to be punched out upon payment of a player fee, in an effort to obtain a slip that entitles the player to designated prize.
8. "Regular Bingo Card" means a board card issued to a person upon payment of an admission fee which



affords a person the opportunity to participate in all regular bingo games played at a bingo occasion.

9. "Special Bingo Game" means any bingo game which is not a regular bingo game and which is played with special bingo cards for special prizes.
10. "Trip Jars" means a game of chance, wherein a person upon payment of a fee, is permitted to reach into, or tip a jar containing printed slips, and extract one slip in an effort to obtain a slip that entitles the player to a designated prize.

**Section 17. Person Authorized to Conduct Class II Gaming.**

1. All Class II gaming conducted in Fort McDermitt Paiute-Shoshone Indian lands shall be conducted in compliance with the applicable compact, applicable State law, Federal law, Tribal Law, and applicable rules and regulations of any governmental authority with jurisdiction. In the event of a conflict between the provisions of Sections 16 through 24 of this Ordinance and an applicable Compact, the Compact shall control.
2. No person or entity shall own, operate or conduct a Class II gaming activity on Indian lands unless that person or entity has first received a license to conduct a Class II gaming activity from the Gaming Commission.

**Section 18. Ownership of Class II Gaming Activity.**

1. No person or entity shall own an interest in or conduct Class II gaming in any location without first having applied for, and been issued, a Class II gaming owner and/or operator's license.
2. Any person or entity who owns an interest in a Class II gaming enterprise shall apply to the Gaming Commission for an owner and/or operator license for a Class II gaming facility, as is appropriate, on a form prescribed by the Gaming Commission. A separate application and license shall be required for each place, facility, or location on Indian lands at which Class II gaming will be conducted.
3. Preference shall be given to permitting Class II

gaming activities in which the Fort McDermitt Paiute-Shoshone Indian Tribe has the sole proprietary interest to be conducted in Indian lands.

4. Notwithstanding subparagraph (3) above, the Tribal Gaming Commission may license a Class II gaming activity owned in whole or in part, by a person or entity other than the Fort McDermitt Paiute-Shoshone Tribe, provided that no license may be issued to such a person or entity unless the person or entity has first expressly agreed, and commemorated in writing on a form prescribed by the Gaming Commission, that:
  - a. The gaming activity shall be subject to the regulations prescribed in this Section;
  - b. Not less than sixty (60%) percent of the Net Revenues from the gaming activity shall be income to the tribe;
  - c. The person(s) who own the gaming activity or entity:
    - (i) is (are) eligible to receive a license from the State of Nevada to conduct the same gaming activity on lands subject to the applicable state's jurisdiction; and
    - (ii) shall pay an appropriate assessment to the National Indian Gaming Commission for the regulation of the gaming activity, as required by 25 U.S.C. § 2717 (a)(1).
5. a. A license to own or operate a Class II gaming establishment shall not be granted unless the applicant has satisfied the Gaming Commission that:
  - (i) he has adequate business probity and experience in gaming.
  - (ii) the proposed financing of the operation is adequate for the nature of the proposed operation and from a suitable source. Any lender or other source of money or credit which the Gaming Commission finds does not meet the standards set forth in

Section 14(A)(1) may be deemed unsuitable.

- b. The Gaming Commission may in its discretion grant a license to a corporation which has complied with the provisions of this Ordinance.
  - c. The Gaming Commission may in its discretion grant a license to a limited partnership which has complied with the provision of this Ordinance.
  - d. No person or limited partnership, except one whose sole limited partner is a publicly traded corporation which has registered with the Gaming Commission, or business trust organization or other association of a quasi corporate character, is eligible to receive or hold any license, or be a licensee or operator under this Ordinance unless all persons having any direct or indirect interests therein of any nature whatsoever, whether financial, administrative, policy making or supervisory, are individually qualified to be licensed under the provisions of this Ordinance.
  - e. The Gaming Commission may limit the number of persons who may be financially interested in any corporation or other organized or association licensed under this Ordinance, and consistent with 25 U.C.S §. 2700 et seq. and establish such other qualifications for licenses as they may, in their discretion, deem to be in the public interest and consistent with the declared policy of the Tribe.
6. Income to the Tribe from the gaming activity shall only be used for the purposes described in Section 6 of this Ordinance.

Section 19. Management Contracts.

The Fort McDermitt Paiute-Shoshone Indian Tribe may enter into a management contract for the operation and management of Class II gaming activities. Each such contract must comply

with the provisions of this Ordinance, other applicable provisions of tribal law (including, but not limited to, tribal employment preference laws), and provisions of federal law (including, but not limited to, 25 U.S.C. §. 2711).

Section 20. Games Permitted.

- A. The Tribe and licensed Class II owner and operators may conduct bingo, Class II card games or a combination of bingo and Class II card games.
- B. A bingo facility at each bingo occasion shall conduct regular bingo games and may additionally conduct special bingo games, and such other Class II games permitted by the Gaming Commission as its operators or managers choose.
- C. A schedule of the Class II games to be conducted must be conspicuously posted at each entrance to the bingo facility each week in which games will be conducted at least 24 hours prior to the start of the first game scheduled. The schedule must include a statement of the prizes offered for each game.

Section 21. Bingo Game Cards.

- A. Each facility shall provide the game cards to be used for each bingo game conducted and each card shall be marked to indicate the issuing facility.
- B. Special bingo cards must be issued separately from regular bingo cards, and must be specially marked to indicate the particular special bingo game, including date, and the facility of issuance. A special bingo card shall be valid only for the designated game.

Section 22. Player Limitation.

The number of people permitted to play any Class II game shall be determined by the owner, operator or manager as is appropriate, except that:

- A. The number of people permitted in the facility or in any room in the facility shall not exceed the limitation of the number permissible under the applicable fire, building or other safety codes or standards.
- B. The number of people permitted to play any bingo game shall not exceed the number of chairs available in the

room(s) in which the game is being played.

**Section 23. Entry Prohibited.**

No person may enter any room in which a bingo game is being played unless the person is a player, except facility employees and persons present by authority of the Gaming Commission, for purposes of inspection or regulatory duties.

**Section 24. Hours of Operation; Notice to Commission.**

- A. Class II gaming may be conducted 24 hours a day, seven days a week, subject to approval by the gaming Commission.
- B. Prior to operation of Class II gaming or any change in hours of operation, the operator shall:
  - 1. Notify the Gaming Commission of the proposed hours and days its facility will be open, and the hours and days gaming will be conducted.
  - 2. The Proposed schedule shall be approved unless the Gaming Commission notifies the owner or operator of its objection within 15 days of its receipt of the proposed schedule.
  - 3. If the Gaming Commission makes objection, it shall state its reason and the changes necessary, and the proposer may submit a revised proposal accommodating the Gaming Commission's objections, or may request an opportunity to rebut the objections.
    - a. Submission of revised schedule, incorporating and accommodating the objections, shall be deemed approved upon its submission.
    - b. If an opportunity to rebut is requested, a conference shall be set within fifteen (15) days. The Gaming Commission shall issue its decision, which shall be final and not subject to further appeal, within fifteen (15) days of the conference.

**IV. Class III Gaming**

**Section 25. Compliance with Compact and Laws Applicable.**

All Class III gaming conducted on Fort McDermitt Paiute-Shoshone Indian lands shall be conducted in compliance with

the applicable Compact, applicable State law, Federal law, Tribal law, and applicable rules and regulations of any governmental authority with jurisdiction.

Section 26. Authorized Ownership and Operation.

- A. The Tribe may own and operate one or more Class III gaming facilities on Fort McDermitt Paiute-Shoshone Indian lands.
- B. Person or entities other than the Tribe may own and operate Class III gaming on Fort McDermitt Paiute-Shoshone Indian lands only if, and to the extent, authorized by contractual or other duly executed authorization of the Tribal Council.
- C.
  - 1. No Class III gaming shall be conducted unless all required licenses shall have first been applied for and obtained, pursuant to the Compact, this Ordinance and applicable Federal, State and Tribal laws, rules and regulations.
  - 2. Nothing in this paragraph shall be deemed to require the Tribe to apply for or obtain an owner and/or operator's license to conduct Class III gaming.
- D. For each Class III gaming facility, the owner shall submit its proposed operational plan to the Tribal Gaming Commission, which shall receive required approval if:
  - 1. the proposed facility is in compliance with safety requirements of this Ordinance; and
  - 2. the Class III gaming proposed is consistent with the Compact; and
  - 3. the Class III gaming proposed operation proposal; complies with all applicable Tribal, Federal and State laws, including this Ordinance.

Section 27. Regulation and Inspection.

- A. Class III gaming shall be regulated as provided by the applicable Compact. The Tribal Gaming Commission shall adopt all necessary and appropriate rules and regulations for Class III gaming in accordance with the applicable Compact which may include but not be limited to:
  - 1. Game rules and conduct;

2. Public display of rules requirements;
  3. Facility patron safety and security requirements;
  4. Permitted Games Specifications and Requirements; and
  5. Background investigations, application and release forms.
- B. Class III facilities shall be open at all usual business hours for inspection by the Tribal Gaming Commission, and the stated agency designated by the state in which the facility is located pursuant to the Compact.

**Section 28. Hours of Operation.**

- A. Class III gaming may be conducted 24 hours a day, seven days a week, subject to approval by the Tribal or State Gaming Commission, as is applicable.
- B. The Owner shall submit, and the gaming Commission may approve, proposed hours of operation unless the proposed hours pose a risk to the health, welfare or safety of the public.

**Section 29. Games Permitted.**

- A. Any Class III game or games permitted pursuant to the Compact may be conducted at a Class III gaming Facility, subject to applicable laws, rules, and regulations.
- B. Any Class III game which is first legalized within the States of Oregon and/or Nevada after the date of the Compact then in effect, or which heretofore becomes permitted on Indian lands under federal law, pursuant to the Compact or amendments thereto, may be conducted at a Class III gaming facility subject to applicable laws, rules or regulations.

**Section 30. Management Contracts.**

The Tribal Council may authorize and enter into a management contract on behalf of the Tribe for the operation and management of Class III gaming activities. Each such contract must comply with the provisions of this Ordinance, the Compact, applicable tribal law (including, but not limited to, tribal employment preference laws), and applicable federal law (including, but not limited to, 25 U.S.C. §. 2711).

**V. Records and Audits**

**Section 31. Records Maintenance.**

- A. Each gaming facility shall maintain accurate and up-to-date records for each gaming activity conducted.

Records shall include records of:

1. all financial transactions;
2. all gaming machine testing, malfunctions, maintenance and repairs;
3. personnel;
4. complaints of patrons;
5. facility in-house investigations of any kind;
6. incident and accidents;
7. actions by facility against players or facility visitors;
8. actions by facility against or in reprimand of employees; and
9. any additional records required by the Tribal or State Gaming Commission as is applicable.

**Section 32. Independent Audits.**

A. **1. Gaming Activities.**

The Tribal Gaming Commission shall require, and the Tribal Council shall cause, an audit to be conducted each year on all Class II and Class III gaming activities licensed or conducted on Indian lands. Such audit(s) shall be conducted by an independent auditing firm, selected at the sole discretion of the Tribal Council, or the Tribal Gaming Commission on its behalf. However, nothing in this paragraph shall prohibit the annual audit of tribal gaming activities from being encompassed within the Tribe's existing audit system.

2. An independent audit of a Class III Gaming activity subject to state regulation pursuant to compact, performed as a requirement thereof, may be accepted by the Tribal Gaming Commission and adopted as the independent audit required by this section.

B. **Contracts for Supplies, Services or Concessions.**



Each contracts for supplies, services, or concession with a contract amount in excess or \$25,000 annually (except contracts for professional legal or accounting services) relating to a Class II or Class III gaming activity shall be subject to the independent audit required by subparagraph (A), above.

C. Audit Report to be Provided to National Indian Gaming Commission.

The Tribal Gaming Commission shall furnish a copy of each annual gaming activities audit report to the National Indian Gaming Commission, as required by 25 U.S.C §. 2710(b) (2) (C).

VI. Violations

Section 33. Crimes: Penalties.

- A. It shall be unlawful for any person to:
1. Operate or participate in gaming on Indian lands in violation of the Provisions of this Ordinance or in violation of rules and/or regulations promulgated pursuant to this Ordinance;
  2. Knowingly make a false statement in an application for employment with a gaming activity or enterprise, or in an application for a tribal gaming license to operate a gaming activity or enterprise on Fort McDermitt Paiute-Shoshone Indian lands; or
  3. Bribe or attempt to bribe, or unduly influence or attempt unduly influence, any tribal authority who licenses, operates, conducts, assists, or is otherwise employed in a gaming activity or enterprise located in Fort McDermitt Paiute-Shoshone Indian lands.
- B. Any Indian who violates a provision of this Ordinance or of other tribal law relating to gaming activities may be fined not more than \$1,000.00 and/or imprisoned for up to one year for each violation arises or continues.
- C. Any property used in the commission of a violation of a provision of this Ordinance may be seized by the Tribal Gaming Commission or their agents. The owner of the property shall be afforded an opportunity to object and be heard in accordance with principles of due process. If no objection is raised, or the objection is not

sustained, the Tribe may dispose of the seized property.

- D. Any non-Indian who violates a provision of this Ordinance may be excluded from the Indian lands within the jurisdiction of the Fort McDermitt Paiute-Shoshone Indian Tribe.

**Section 34. Civil Penalties.**

- A. Any Person or entity who violates any term or condition of any tribal gaming license issued pursuant to this Ordinance or any provision of a management contract executed pursuant to Sections 19 and/or 30, or Section 33 above, may be assessed a civil penalty by the Tribe and/or the Tribal Gaming Commission. Such penalty may be assessed only after the person or entity has been given notice and an opportunity to be heard before the Tribe Gaming Commission. Each violation shall be treated separately and may be assessed as a separate violation.
- B. The penalty assessed pursuant to subparagraph A, above, shall not exceed \$50,000. per violation, or twice the amount of any grand prize awarded in a gaming activity which is directly associated with the violation, whichever is greater.
- C. Civil penalties provided for in this Section may be imposed in addition to the criminal penalties provided for in Section 33 above.

**Section 35. Enforcement.**

If any person or entity fails or refuses to pay a monetary penalty or administrative fine imposed by the Tribal Gaming Commission, or otherwise fails to comply with final action of the Tribal Gaming Commission, and such person has failed to timely commence an appeal of the imposition or action in the Fort McDermitt Paiute-Shoshone Tribal Court or the Fort McDermitt Paiute-Shoshone Tribal Court has upheld the imposition or action, the Tribe may proceed to collect the assessment or enforce the action by initiating a civil action against the person or entity in the Tribal Court or in any other court of competent jurisdiction. In a civil action, the validity and amount of any monetary penalty or administrative fine imposed by the Tribal Gaming Commission shall not be subject to judicial review. The Tribe shall be entitled to all remedies in law or in equity that are available to civil litigants generally. The provisions of this Section 35 shall in no way limit the remedies at law or in equity otherwise available to the Tribe.

**VII. Validity of Ordinance****Section 36. Severability.**

If any provision or provisions in this Ordinance are held invalid by a court of competent jurisdiction, this Ordinance shall continue in effect as if the invalid provision(s) were not a part hereof.

**Section 37. Effective Date of Ordinance; Repeal of Prior Ordinances.**

- A. This Ordinance shall take effect upon adoption by the Tribal Council and approval by the Chairman of the National Indian Gaming Commission.
- B. All prior ordinances regulating gaming on the Fort McDermitt Indian Reservation are repealed upon effectuation of this ordinance.

**CERTIFICATION**

The foregoing Ordinance was passed on SEPTEMBER 13, 1994, duly adopted by the vote of FIVE (5) for, and ZERO (0) against, by the Fort McDermitt Paiute-Shoshone Tribal Council pursuant to authority vested in it by the Constitution and By-Laws of the Fort McDermitt Paiute-Shoshone Tribe of Oregon and Nevada as indicated in the body.

3

**Ft. McDermitt Paiute-Shoshone Indian Tribe  
Gaming Ordinance**

**Addendum of December 18, 1994**

**PURPOSE:**

The purpose of this addendum is to address specific issues identified by the Indian Gaming Regulatory Commission during a telephone conversation with Wilson Crutcher, Tribal Chairman, on December 15, 1994. This addendum shall be incorporated into the Fort McDermitt Paiute-Shoshone Tribe's Gaming Ordinance as adopted by Tribal Council resolution on September 29, 1994, and is an addition to the provisions contained within the original ordinance.

**VIII. Addendum**

**Section 38. Designation of Tribal Agent.**

The duly elected Tribal Chairman shall serve as the Tribal Agent in all communications regarding gaming on the Ft. McDermitt Indian Reservation, and for any communications regarding gaming operations either considered or conducted by the Ft. McDermitt Paiute-Shoshone Tribe. The Tribal Agent shall have full authority to make decisions and enter into agreements regarding Tribal gaming activities as authorized by the Tribal Council. The Tribal Agent shall have full and ultimate responsibility for ensuring that all such agreements and activities are conducted within the intent and authority of the Tribal Council, and in compliance with this ordinance and all other applicable policies and regulations as stipulated by the National Indian Gaming Commission and required by the Indian Gaming Regulatory Act.

**Section 39. Procedures for resolving disputes between gaming public and Tribe.**

All disputes between the gaming public and the Tribe will be resolved in accordance with the administrative protocol described in Part II, Section 10, paragraph E. of this ordinance with the following stipulations:

**Pt. McDermitt Gaming Ordinance, Addendum of December 18, 1994**

a. Monetary disputes involving \$100 (one hundred dollars) or less shall be resolved by the 'Manager' or his/her designee on-site. Such resolution must be fully documented and a description of the dispute and resolution presented to the Gaming Commission within three working days for review. If the affected member of the gaming public is not satisfied with the decision by the Manager, such individual may appeal to the Gaming Commission within fifteen (15) days of the incident. The Gaming Commission will have fifteen (15) days from receipt of the complaint to make a ruling. If the member of the gaming public is still not satisfied, appeal may be made to the Tribal Court within fifteen (15) days of the Gaming Commission's ruling. The Tribal Court shall have thirty (30) days from receipt of the complaint to make a ruling. Ruling by Tribal Court is final.

b. Monetary disputes involving more than \$100 (one hundred dollars) must be resolved by the Gaming Commission, with the Tribal Court as the final point of appeal, using the same timelines as described in paragraph 'a' above.

c. Non-monetary disputes such as those involving level and quality of service, hours of operation, and regulation of gaming activities as described in this ordinance or contained within the operations manual of any gaming establishment within the Fort McDermitt Indian Reservation shall be resolved by the 'Manager' or his/her designee. Such resolution shall include full consideration of the needs expressed by the member of the gaming public voicing the complaint. If such resolution is not possible within the authority of the 'Manager' or his/her designee, the member of the gaming public may file a complaint with the Gaming Commission and appeal to the Tribal Court under the same guidelines as described in paragraphs 'a-b' above.

d. If the 'Manager' or his/her designee determines that the behavior of a member of the gaming public is not acceptable, or if such individual is determined to be on premises without proper authority (under age, lack of proper identification, intoxicated, etc.), then that member may be removed from the gaming establishment. Although the Manager is required to document such an 'eviction,' no recourse to appeal will be offered to the member of the gaming public, except to file a written complaint with the Gaming Commission for its consideration.

**Ft. McDermitt Gaming Ordinance, Addendum of December 18, 1994****Section 40. Employee/agent background check procedures.**

All persons, agents, employees, and licensees must comply with all applicable provisions of this ordinance as described in Part II, section 14--License: Qualifications and Requirements; and section 15--License: Suspension and Revocation. In addition, all employees, agents, and licensees must fully comply with the following stipulations:

a. Complete and adequate proof of identity.

This requirement will be met under the following conditions: copy of current driver's license or state issued photo identification; a copy of a birth certificate, military discharge papers, or Social Security card; and the listing of three personal references including telephone numbers. It is the responsibility of the 'Manager' or 'Tribal Agent' (in the case of a licensee application) to verify the applicant's identity.

b. The Bureau of Indian Affairs, Law Enforcement Division, as assigned to the Fort McDermitt Indian Reservation, will be responsible for collecting finger prints from all agents, employees, and licensees as directed in Part II of this ordinance (as referenced above). Such finger prints, with all other pertinent identifying information (as described in paragraph 'a' above) will be submitted to the Federal Bureau of Investigation for a criminal history background check as stipulated in CFR 25, part 522.2 (h). Such submission will be in addition to appropriate background check conducted by the BIA law enforcement division, Tribal administration, and local law enforcement authorities.